

Appl. No.: 10/676,828
Art Unit: 2855 Docket No.: B01-79
Reply to Office Action of December 6, 2004

REMARKS

Claims 1-23 appear in this application for the Examiner's review and consideration. The Examiner has acknowledged that claims 5-10 are directed to allowable subject matter, and that claims 4, 12-13 and 18-19 would be allowable if rewritten in independent form.

Applicants thank the Examiner for the courtesies extended to Kristin D. Wheeler during a telephone interview on February 23, 2005. Below is a summary of the substance of the telephone interview.

Allowable Subject Matter

Applicants thank the Examiner for the allowance of claims 5-10. Applicants also acknowledge the Examiner's finding that claims 4, 12-13 and 18-19 would be allowable if rewritten in independent form. Applicants have elected not to amend these claims at this time because Applicants believe that the claims upon which these claims depend are allowable.

Rejection Over U.S. Patent No. 6,571,600

Claims 1-3, 11, 14-17 and 20-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,571,600 to Bissonnette *et al.* ("Bissonnette") or under 35 U.S.C. § 103(a) as being unpatentable over Bissonnette. Bissonnette is generally directed to a method and apparatus for measurement of coefficient of restitution and contact time.

For claims to be rejected under 35 U.S.C. § 102(e), each and every element as set forth in the claims of the present invention must be found, either expressly or inherently, in a single prior art reference. Applicants respectfully submit that Bissonnette does not disclose all the elements of the claimed invention.

As discussed with the Examiner, Bissonnette is directed to a method and apparatus where a propelling device 34 propels an object 36 at a striking surface 22. The object 36 rebounds off the striking surface 22 and at least one sensing plane 300 determines the time it takes for the object 36 to travel a predetermined distance D. Thus, the velocity of the object 36 may be determined, and then the coefficient of restitution. (Bissonnette, col. 7, lines 11-49 and FIG. 2).

As recited in claim 1, the method includes positioning an impacted object in an initial stationary position in an enclosure and constraining the impacted object to movement within a predetermined path within the enclosure. Additionally, the method includes the steps of moving an

Appl. No.: 10/676,828
Art Unit: 2855 Docket No.: B01-79
Reply to Office Action of December 6, 2004

impacting object toward and impacting the impacted object, wherein one of either the impacting object or the impacted object is the golf ball, determining the pre-impact velocity of the impacting object, determining the post-impact velocity of the impacted object and determining the coefficient of restitution of the golf ball.

As discussed with the Examiner, if the propelling device 34 and the golf ball 36 of Bissonnette are taken to be the enclosure and the impacted object of claim 1, then Bissonnette fails to teach the step of moving an impacting object toward and impacting the impacted object, as the striking surface 22 does not move. Additionally, the pre-impact velocity of the impacting object would not be determined as the striking surface 22 does not have a velocity. In contrast, if the golf ball 36 is taken to be the impacting object and the striking surface 22 the impacted object, Bissonnette does not teach or suggest constraining movement of the striking surface 22 within a predetermined path within an enclosure or determining the post-impact velocity of the striking surface 22. Bissonnette fails to teach or suggest that the striking surface 22 would move when impacted by the golf ball 36. Thus, Bissonnette fails to teach each and every element of claim 1.

With regard to claim 11, Bissonnette does not teach or suggest that an impacted object be positioned within a predetermined path where the movement of the impacted object after impact is constrained within the predetermined path of an enclosure. As discussed above, if the propelling device 34 and golf ball 36 of Bissonnette are taken to be the enclosure and impacted object, then Bissonnette fails to teach or suggest the launching device configured to launch the impacting object to impact the impacted object, as Bissonnette does not teach or suggest moving the striking surface 22. Moreover, as discussed above, if the golf ball 36 is taken to be the impacting object and the striking surface 22 the impacted object, the striking surface 22 of is not constrained for movement within a predetermined path. Bissonnette fails to teach or suggest that the striking surface 22 would move. Thus, Bissonnette fails to teach each and every element of claim 11.

In conclusion, Bissonnette simply fails to teach or suggest having an impacting object moved or launched toward an impacted object, where the impacted object may move within a constrained predetermined path when the impacting object impacts the impacted object. Thus, independent claims 1 and 11 define over the cited art.

According to both claims 1 and 11, one of either the impacting object or the impacted object is the golf ball. Support for this recitation may be found at least in the specification at page 12, lines 7-14. Thus, the impacting object may simulate a club head and the impacted object may be a golf ball or vice versa as shown in FIG. 1.

Appl. No.: 10/676,828
Art Unit: 2855 Docket No.: B01-79
Reply to Office Action of December 6, 2004

Accordingly, independent claims 1 and 11 are believed to be in condition for allowance at least the reasons set forth above. Moreover, the remaining claims 2-3 and claims 14-17 and 20-23 depend from independent claims 1 and 11, respectively, and add additional features. These claims are believed to be patentable for the totality of the claimed inventions therein and by virtue of their dependence from the independent claims. As such, Applicants respectfully request that the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) be reconsidered and withdrawn.


Conclusion

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee is believed to be due for this submission. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

3/2/05
Date


Kristin D. Wheeler (Reg. No. 43,583)
Patent Counsel

(508) 979-3015
Customer Number: 40990